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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,315	06/27/2000	Kazuyuki Miya	JEL-31205	5131

7590 08/14/2003
Stevens Davis Miller & Mosher LLP
1615 L Street N W Suite 850
Washington, DC 20036

EXAMINER

NGUYEN, DUNG X

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,315

Applicant(s)

MIYA ET AL.

Examiner

Dung X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 - 5 is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawing Objection

1. Figures 1A, 1B 2A, and 2B are objected and should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1, 6, and 7 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the dedicated physical channel" in lines 12 – 13. There is insufficient antecedent basis for this limitation in the claim. Is it --the transmission directional controlled dedicated physical channel--?

Claim 6 recite the limitations of "the measurement step" in line 2, "the delay profile generation step" in line 7, "the calculation step" in line 10, and "the determination step" in line 14 are not defined. There are insufficient antecedent basis for these limitations in the claim. Are they --a-- instead of "the"?

Claim 7 recite the limitations of "the measurement step" in line 2, "the delay profile generation step" in line 7, "the preliminary selection step" in line 10, "the calculation step" in

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line 12, and “the determination step” in line 16 are not defined. There are insufficient antecedent basis for these limitations in the claim. Are they --a-- instead of “the”?

Allowable Subject Matter

4. **Claims 2 - 5 are allowed.** The following is a statement of reasons for the indication of allowable subject matter:

Regarding to the claimed invention, the prior art of record fails to show or render obvious of a communication terminal apparatus and radio reception method capable of performing path selection accurately with high reliability even in the case where a base station performs directional controlled transmission. In forward transmission directional control is applied using a smart antenna and adaptive array antenna, a communication terminal performs correlation calculation between a delay profile of a dedicated physical channel and a delay profile of a common control channel, and thereby performs path selection accurately with high reliability to determine a timing reception of path. Miura, Tran, Sato, and Wang to provide a communication terminal with path selection, but in different ways.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miura (U.S. Patent No. 6,333,934 B1) discloses a CDMA receiving apparatus.

Lynch et al. (U.S. Patent No. 6,314,127 B1) discloses a system and its corresponding method for enhancing signal reception.

Tran (U.S. Patent No. 6,269,075 B1) discloses a finger assignment in a CDMA RAKE receiver.

Wang et al. (U.S. Patent No. 6,125,137) discloses an apparatus and its corresponding method for performing a signal search in a coherent wireless communication system.

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CONTACT INFORMATION

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung X. Nguyen whose telephone number is (703) 305-4892. The examiner can normally be reached on Monday through Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chi Pham can be reached on (703) 305-4378. The fax phone numbers for this group is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

DXN

July 26, 2003



**DON N. VO
PRIMARY EXAMINER**